

MONTANA LEGISLATIVE HISTORY

Chapter 442 1981

Bill H _____ S 347 Original bill & history ____C

Select

H. Committee on Water

S. Committee on Agriculture

Hearing Date(s) 3/10 ____C

Hearing Date(s) 2/11 ____C

____C*

3/31 ____C

____C

____C

____C

____C

Date Out ____C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

* House Committee Chart shows it went to
House Appropriations BETWEEN 3/10 → 3/28
It was moved, but not selected.
I have check all days BETWEEN 3/10 → 3/28 in House
SELECTED HOUSE APPROPRIATIONS & SENATE AG, LIVE STOCK
& IRRIGATION & THERE IS NOTHING ON SB 347.
Some ~~re~~ exhibits are missing also.

REPORT: 3/20, BE CONCURRED IN
ON MOTION, 3/27, PASSED FOR THE DAY.
2ND READING: 3/28, YEAS: 74; NAYS: 7
3RD READING: 3/31, YEAS: 79; NAYS: 19

RETURNED TO SENATE: 3/31

TRANSMITTED TO GOVERNOR: 4/8/81
ACTION: 4/13, SIGNED
CHAPTER 342

SB 346 -- GRAHAM -- INCREASING MAXIMUM GROSS VEHICLE WEIGHT ALLOWED
WITHOUT SPECIAL PERMIT...

INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS AND
TRANSPORTATION: 2/2
HEARING: 2/10
REPORT: 2/11, DO PASS AS AMENDED
2ND READING: 2/13, YEAS: 32; NAYS: 13
3RD READING: 2/16, YEAS: 35; NAYS: 12

TRANSMITTED TO HOUSE: 2/16
ON MOTION, 2/21, PASSED CONSIDERATION TO THE 46TH LEGISLATIVE
DAY.

REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION: 2/17
HEARING: 2/19

REPORT: BE CONCURRED IN, 2/19
2ND READING: 3/2 YEAS: 58; NAYS: 32
3RD READING: 3/4 YEAS: 77; NAYS: 22

RETURNED TO SENATE: 3/4
TRANSMITTED TO GOVERNOR: 3/10/81
ACTION: 3/11, SIGNED
CHAPTER 40

*SB 347 -- GALT, TURNAGE, BOYLAN, BOTH -- CREATING THE OFFICE OF CHIEF
WATER JUDGE.

FISCAL NOTE: REQUIRED
INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE: 2/2
HEARING: 2/11
REPORT: 2/12, DO PASS AS AMENDED
2ND READING: 2/16, DO PASS
3RD READING: 2/17, YEAS: 48; NAYS: 2

TRANSMITTED TO HOUSE: 2/17
REFERRED TO SELECT COMMITTEE ON WATER: 2/18

HEARING: 3/10
REPORT: 3/24, BE CONCURRED IN, AS AMENDED
2ND READING: 3/28, YEAS: 85; NAYS: 7
3RD READING: 3/31, YEAS: 99; NAYS: 0

RETURNED TO SENATE WITH AMENDMENTS: 3/31
2ND READING: 4/10, BE CONCURRED IN
ON MOTION, 4/11, RULES SUSPENDED, PLACED ON 3RD READING
3RD READING: 4/11, YEAS: 46; NAYS: 2

TRANSMITTED TO GOVERNOR: 4/15/81
ACTION: 4/20, SIGNED
CHAPTER 442

SB 348 -- M. ANDERSON, MCCALLUM, THOMAS -- AMENDING PROVISIONS RELATED

SENATE BILL NO. 347

INTRODUCED BY GALT, TURNAGE, BOYLAN, BOTH

IN THE SENATE

February 2, 1981	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation. Fiscal note requested.
February 6, 1981	Fiscal note returned.
February 12, 1981	Committee recommend bill do pass as amended. Report adopted.
February 13, 1981	Bill printed and placed on members' desks.
February 14, 1981	Second reading, do pass.
February 16, 1981	Correctly engrossed.
February 17, 1981	Third reading, passed. Ayes, 48; Noes, 2. Transmitted to House.

IN THE HOUSE

February 18, 1981	Introduced and referred to Committee on Water.
March 24, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Second reading, concurred in.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.
March 31, 1981	Third reading, concurred in as amended. Ayes, 99; Noes, 0.

IN THE SENATE

April 1, 1981

Returned from House with amendments.

April 10, 1981

Second reading, amendments concurred in.

April 11, 1981

Third reading, amendments concurred in. Ayes, 46; Nays, 2. Sent to enrolling.

Reported correctly enrolled.

Forty-Seventh Legislature

OF THE

STATE OF MONTANA

INDEX

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OF MONTANA

Held in Helena, the Seat of Government
Commencing in Regular Session January 5, 1981
and Ending April 23, 1981

Bob Marks
Speaker of the House

Don Byrd
Chief Clerk of the House

Rosana Winterburn
Journal Clerk

Data Entry Clerks
Nancy Ritz
Patricia Small

PUBLISHED BY
THE MONTANA LEGISLATIVE COUNCIL

Senate Page No. 158, 496, 567, **625, 649, 661**, 973.

House Page No. 960, 974, **1251**.

- 344 Introduced by Towe, Conover, Berg, Regan, Blaylock, Eck, Ryan, Halligan: A bill for an act entitled: "An act to impose a severance tax of approximately 10 percent on the severance of palladium, platinum, or any other metal or precious or semiprecious gems or stones with exemptions for small mines and existing mines; to create the hard-rock mining impact board; to create the hard-rock mining impact fund; amending section 90-6-205, MCA."

Senate Page No. 158, **1347, 1359, 1360, 1365, 1366**, 1563, 1564.

House Page No. 1681, 1709, 2082.

- 345 Introduced by Halligan: A bill for an act entitled: "An act to allow rural and city special improvement districts to extend within or outside city boundaries, respectively, under certain circumstances; amending sections 7-12-2102 and 7-12-4102, MCA."

Senate Page No. 158, 669, 681, **692**, 695, **711**, 1278, 1368, 1387, 1514.

House Page No. 1019, 1232, 1413, **1426, 1511**.

- 346 Introduced by Graham, (By Request of the Department of Highways): A bill for an act entitled: "An act to increase the maximum gross vehicle weight allowed without special permit; to increase the fees charged for certain overweight and oversize permits; to clarify the provisions regarding operation without special permits; and to increase the fee charged for temporary fuel permits; amending sections 15-70-312, 61-10-107, 61-10-109, 61-10-124, 61-10-125, and 61-10-211, MCA."

Senate Page No. 169, 287, 303, **335**, 345, **371**, 697, 714, 725, 772.

House Page No. 585, 587, 710, 761, 765, **970, 991**.

- 347 Introduced by Galt, Turnage, Boylan, Roth: A bill for an act entitled: "An act to create the office of chief water judge; to provide for the appointment, responsibilities, jurisdiction, and administrative requirements of the chief water judge."

Senate Page No. 169, 303, 323, **353**, 359, **396**, 1279, **1443**, 1459, **1464**, 1524, 1556, 1705.

House Page No. 622, 624, 1304, **1431, 1515**, 1912.

- 348 Introduced by M. Anderson, McCallum, Thomas: A bill for an act entitled: "An act to amend the law relating to the treatment and release of developmentally disabled and mentally ill persons; amending sections 53-20-101, 53-20-102, 53-20-148, and 53-21-162, MCA."

Senate Page No. 169, **513, 584**, 589, **625, 626**.

1 *Senate* BILL NO. *347*
2 INTRODUCED BY *Bill Ternage* *Boylan Rott*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE OFFICE OF
5 CHIEF WATER JUDGE; TO PROVIDE FOR THE APPOINTMENT,
6 RESPONSIBILITIES, JURISDICTION, AND ADMINISTRATIVE
7 REQUIREMENTS OF THE CHIEF WATER JUDGE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Appointment of chief water judge -- term of
11 office. (1) The chief justice of the Montana supreme court
12 shall appoint a chief water judge from among the district
13 judges serving or retired as of the time of appointment.

14 (2) The term of office of the chief water judge is
15 from the date of initial appointment until June 30, 1985.
16 After June 30, 1985, the term of office is 4 years, subject
17 to continuation of the water divisions by the legislature.

18 Section 2. Salary -- office space. (1) The chief water
19 judge is entitled to receive the same salary and expense
20 allowance as provided for district judges in 3-5-211.

21 (2) The office of the chief water judge shall be at
22 the location that the chief justice of the Montana supreme
23 court shall designate. The Montana supreme court shall
24 provide in its budget for the salary, expenses, and office
25 and staff requirements of the chief water judge, which money

1 may be appropriated by the legislature from the water rights
2 adjudication account.

3 Section 3. Duties of the chief water judge. The chief
4 water judge shall:

5 (1) supervise the activities of the department of
6 natural resources and conservation in compiling information
7 submitted on water claim forms under Title 85, chapter 2,
8 part 2, to assure that the information is expeditiously and
9 properly compiled and transferred to the water judge in each
10 water division.

11 (2) assure that the water judge in each water division
12 moves without unreasonable delay to enter the required
13 preliminary decree; and

14 (3) assure that any contested or conflicting claims
15 are tried and adjudicated as expeditiously as possible.

16 Section 4. Jurisdiction of chief water judge. (1) The
17 chief water judge may, at the discretion of the chief
18 justice of the Montana supreme court, also serve as water
19 judge for one of the water divisions.

20 (2) The chief water judge has jurisdiction over all
21 matters relating to the determination of existing water
22 rights within the boundaries of the state of Montana.

23 (3) With regard to the determination of existing water
24 rights, the chief water judge has the same powers as a
25 district judge. He may issue such orders, on the motion of

1 an interested party or on his own motion, as may reasonably
2 be required to allow him to fulfill his responsibilities.

3 Section 5. Initial appointment. The chief justice of
4 the Montana supreme court shall make the initial appointment
5 of a chief water judge on or before December 31, 1982.

-End-

STATE OF MONTANA

REQUEST NO. 288-81

FISCAL NOTE

Page BDD-1

In compliance with a written request received February 3, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 347 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA)

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation:

Senate Bill 347 is an act to create the office of Chief Water Judge and to provide for the appointment, responsibilities, jurisdiction and administrative requirements associated with the Chief Water Judge.

Assumptions:

1. The Chief Water Judge will be a retired district judge.
2. The Chief Water Judge would serve as a water judge for one of the four established water divisions.

Fiscal Impact:

	<u>FY 82</u>	<u>FY 83</u>	<u>Total biennium</u>
Expenditures under proposed law--			
Personal services	\$202,843	\$305,162	\$508,005
Operating expenses	74,500	79,650	154,150
Equipment	51,000	17,000	68,000
Total expenditures under proposed law	<u>\$328,343</u>	<u>\$401,812</u>	<u>\$730,155</u>
Less: Expenditures under current law			
Personal services	\$156,043	\$258,362	\$414,405
Operating expenses	70,500	74,400	144,900
Equipment	51,000	17,000	68,000
	<u>\$277,543</u>	<u>\$349,762</u>	<u>\$627,305</u>
Increased expenditures under proposed law	<u>\$ 50,800</u>	<u>\$ 52,050</u>	<u>\$102,850</u>



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-6-81

MINUTES OF THE MEETING
AGRICULTURE, LIVESTOCK AND IRRIGATION
MONTANA STATE SENATE

February 11, 1981

The Agriculture, Livestock and Irrigation Committee meeting was called to order on the above date, in Room 415 of the State Capitol Building at 1:00 p.m. by Chairman Galt.

ROLL CALL: All members present.

CONSIDERATION OF SB 347: Senator Jack Galt, District 23, explained that the bill creates the office of chief water judge. It works in combination with SB 76, which addresses adjudication of water in the State of Montana. The bill will be instrumental in speeding up the adjudication process and giving it continuity and style.

Judge W. W. Lessly, from the Gallatin, said the bill is worthwhile in carrying out the procedures of SB 76 and gets the group together to work. He suggested that, in Section 3, subsection (1) the word "supervise" be changed to "coordinate". He said they are far ahead of schedule and may be able to put out the preliminary decree either the first of March or last of April.

Gary Fritz, DNRC, said the Department supports the concept of the bill. They would recommend a change in Section 3. See attachment. They have worked together with Judge Lessly on adjudication.

Charlie Crane, Montana Water Development Corporation, supports the bill. He recommended an amendment allowing the supreme court to limit the judge to one salary. He did not want to see someone taking a retirement salary and another salary as well.

In regard to the salary, Judge Lessly said there is a provision in the law that, if you are a retired judge, you get the difference between retirement and the regular salary.

DISPOSITION OF SB 347: Senator Galt moved to accept the amendment on page 2, line 5: Strike "supervise the activities of" and insert "coordinate with."

Motion carried unanimously.

Senator Aklestad moved SB 347, as amended DO PASS.

Motion carried unanimously.

Senator Galt resumed the chair.

11

ROLL CALL

AGRICULTURE COMMITTEE

47 th LEGISLATIVE SESSION - - 1981

Date 2-11-81

NAME	PRESENT	ABSENT	EXCUSED
GALT, Jack E.	✓		
KOLSTAD, Allen C.	✓		
AKLESTAD, Gary C.	✓		
OCHSNER, J. Donald	✓		
GRAHAM, Carroll	✓		
BOYLAN, Paul F.	✓		
CONOVER, Max	✓		
ECK, Dorothy	✓		
LEE, Gary	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

February 11 81

19.....

PRESIDENT

MR.

AGRICULTURE, LIVESTOCK AND IRRIGATION

We, your committee on

SENATE

347

having had under consideration Bill No.

SENATE

347

Respectfully report as follows: That..... Bill No.

be amended as follows:

1. page 2, line 5.

Following: "(1)"

Strike: "supervise the activities of"

Insert: "coordinate with"

And as so amended

DO PASS

PA

SENATE BILL 347

TESTIMONY OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

AN ACT TO CREATE THE OFFICE OF CHIEF WATER JUDGE

The Department of Natural Resources and Conservation supports the concept of Senate Bill 347. One minor amendment should be made to clarify the relationship between the Chief Water Judge and the Department. Line 5 of page 2 should be changed to indicate that the Chief Water Judge will coordinate with the Department to assure that water right information is quickly compiled. I doubt that the Chief Water Judge wants to supervise the Department since that would require the judge to prepare budgets, hire employees and handle a myriad of administrative details.

SENATE BILL 347

Amendments

1. Page 1, line 5
Following (1)
Strike: "supervise the activities of"
Insert: "coordinate with"

VISITORS' REGISTER

NAME	REPRESENTING	Check One							
		Support				Oppos			
		SB 397	SB 347	SB 349	SB 297	SB 347	SB 349	SB 297	SB 347
Please Print NAME - Please?									
Michael E Zimmerman	MAC	✓						✓	
Ronald A. Wicksman	Diaper Bros Inc	✓						✓	
W. R. J. J. J.	WELLS TUDORS					✓			
Wicksman	WELLS								
W. R. J. J. J.	MAC							✓	
W. R. J. J. J.	MAC								
Gary Fritz	DU RC		✓			✓			
MIKE KOEHNKE	Montana Seed Potato Growers			✓					
James F. Fickel	Seed Potato Growers			✓					
W. R. J. J. J.	Montana Stock Union			✓					
Rich Boylan	MONTANA STATE UNIVERSITY			✓					
Mons Teigen	ML Stockgrowers & Combelles								
Garth McOmber	Dept. Ag			✓					
R. Johnson	MT. Dept of Agric.			✓					
Mike Mearl	MSU								
Mervin Quilan	ACMSU		✓				✓		

Approved by Committee
on Agriculture Livestock
& Irrigation

SENATE BILL NO. 347

INTRODUCED BY GALT, TURNAGE, BOYLAN, ROTH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE OFFICE OF CHIEF WATER JUDGE; TO PROVIDE FOR THE APPOINTMENT, RESPONSIBILITIES, JURISDICTION, AND ADMINISTRATIVE REQUIREMENTS OF THE CHIEF WATER JUDGE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Appointment of chief water judge -- term of office. (1) The chief justice of the Montana supreme court shall appoint a chief water judge from among the district judges serving or retired as of the time of appointment.

(2) The term of office of the chief water judge is from the date of initial appointment until June 30, 1995. After June 30, 1995, the term of office is 4 years, subject to continuation of the water divisions by the legislature.

Section 2. Salary -- office space. (1) The chief water judge is entitled to receive the same salary and expense allowance as provided for district judges in 3-5-211.

(2) The office of the chief water judge shall be at the location that the chief justice of the Montana supreme court shall designate. The Montana supreme court shall provide in its budget for the salary, expenses, and office and staff requirements of the chief water judge, which money

may be appropriated by the legislature from the water rights adjudication account.

Section 3. Duties of the chief water judge. The chief water judge shall:

(1) ~~supervise the activities of~~ COORDINATE WITH the department of natural resources and conservation in compiling information submitted on water claim forms under Title 35, chapter 2, part 2, to assure that the information is expeditiously and properly compiled and transferred to the water judge in each water division.

(2) assure that the water judge in each water division moves without unreasonable delay to enter the required preliminary decree; and

(3) assure that any contested or conflicting claims are tried and adjudicated as expeditiously as possible.

Section 4. Jurisdiction of chief water judge. (1) The chief water judge may, at the discretion of the chief justice of the Montana supreme court, also serve as water judge for one of the water divisions.

(2) The chief water judge has jurisdiction over all matters relating to the determination of existing water rights within the boundaries of the state of Montana.

(3) With regard to the determination of existing water rights, the chief water judge has the same powers as a district judge. He may issue such orders, on the motion of

1 an interested party or on his own motion, as may reasonably
2 be required to allow him to fulfill his responsibilities.

3 Section 5. Initial appointment. The chief justice of
4 the Montana Supreme Court shall make the initial appointment
5 of a chief water judge on or before December 31, 1982.

-End-

TED SCHWINDEN
Governor

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Johnson in the Chair.

Senate resumed. President Turnage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That House Amendments to Senate Bill No. 150 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.

Total 0

Excused: Towe.

Total 1

Absent or not voting: None.

Total 0

That House Amendments to Senate Bill No. 139 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.

Total 0

Excused: Towe.

Total 1

Absent or not voting: None.

Total 0

That House Amendments to Senate Bill No. 221 pass consideration. Unanimously passed.

That House Amendments to Senate Bill No. 238 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl,

McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.

Total 0

Excused: Towe.

Total 1

Absent or not voting: None.

Total 0

That House Amendments to Senate Bill No. 325 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.

Total 0

Excused: Towe.

Total 1

Absent or not voting: None.

Total 0

That House Amendments to Senate Bill No. 335 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.

Total 0

Excused: Towe.

Total 1

Absent or not voting: None.

Total 0

That House Amendments to Senate Bill No. 347 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: S. Brown.
Total 1

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 352 be not concurred in by the following vote:

Ayes: Aklestad, B. Brown, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Johnson, Lee, Manley, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Stephens, Story, Thomas, Tveit, Mr. President.
Total 30

Noes: Anderson, Berg, Blaylock, Boylan, S. Brown, Conover, Halligan, Healy, Himsl, Jacobson, Keating, Kolstad, Manning, Norman, Regan, Stimatz, Van Valkenburg.
Total 17

Excused: Towe.
Total 1

Absent or not voting: Ryan, Smith.
Total 2

That House Amendments to Senate Bill No. 362 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Towe.
Total 1

Absent or not voting: None.
Total 0

That House Amendments to Senate Bill No. 376 be not concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.

SENATE BILL NO. 347

INTRODUCED BY GALT, TURNAGE, BOYLAN, ROTH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE OFFICE OF CHIEF WATER JUDGE; TO PROVIDE FOR THE APPOINTMENT, RESPONSIBILITIES, JURISDICTION, AND ADMINISTRATIVE REQUIREMENTS OF THE CHIEF WATER JUDGE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Appointment of chief water judge -- term of office. (1) The chief justice of the Montana supreme court shall appoint a chief water judge from among the district judges serving or retired as of the time of appointment.

(2) The term of office of the chief water judge is from the date of initial appointment until June 30, 1985. After June 30, 1985, the term of office is 4 years, subject to continuation of the water divisions by the legislature.

Section 2. Salary -- office space. (1) The chief water judge is entitled to receive the same salary and expense allowance as provided for district judges in 3-5-211.

(2) The office of the chief water judge shall be at the location that the chief justice of the Montana supreme court shall designate. The Montana supreme court shall provide in its budget for the salary, expenses, and office and staff requirements of the chief water judge, which money

may be appropriated by the legislature from the water rights adjudication account.

Section 3. Duties of the chief water judge. The chief water judge shall:

(1) ~~supervise the activities of~~ COORDINATE WITH the department of natural resources and conservation in compiling information submitted on water claim forms under Title 35, chapter 2, part 2, to assure that the information is expeditiously and properly compiled and transferred to the water judge in each water division.

(2) assure that the water judge in each water division moves without unreasonable delay to enter the required preliminary decree; and

(3) assure that any contested or conflicting claims are tried and adjudicated as expeditiously as possible.

Section 4. Jurisdiction of chief water judge. (1) The chief water judge may, at the discretion of the chief justice of the Montana supreme court, also serve as water judge for one of the water divisions.

(2) The chief water judge has jurisdiction over all matters relating to the determination of existing water rights within the boundaries of the state of Montana.

(3) With regard to the determination of existing water rights, the chief water judge has the same powers as a district judge. He may issue such orders, on the motion of

1 an interested party or on his own motion, as may reasonably
2 be required to allow him to fulfill his responsibilities.

3 Section 5. Initial appointment. The chief justice of
4 the Montana supreme court shall make the initial appointment
5 of a chief water judge on or before December 31, 1982.

-End-

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion was made by Senator Blaylock that House Bill No. 250 be taken from Second Reading and rereferred to the Committee on Taxation. Motion failed by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Hafferman, Haffey, Halligan, Healy, Jacobson, Manning, Mazurek, Norman, Olson, Regan, Ryan, Stimatz, Thomas, Towe, Van Valkenburg.

Total 21

Noes: Aklestad, Anderson, B. Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Ochsner, O'Hara, Severson, Smith, Stephens, Story, Tveit, Mr. President.

Total 28

Excused: None.

Total 0

Absent or not voting: Graham.

Total 1

FIRST READING OF BILLS

The following Senate Joint Resolution was introduced, read first time and referred to committee:

SJR 22, introduced by B. Brown, E. Smith. Referred to Committee on Education and Cultural Resources.

The following House bill was introduced, read first time and referred to committee:

HB 502, introduced by Anderson, Harp, Burnett, Jacobsen, Neuman. Referred to Committee on Highways and Transportation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Bill No. 57 was passed by the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, O'Hara, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 34

Noes: Anderson, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Johnson, Keating, Lee, Manley, Nelson, Olson.

Total 13

Excused: None.

Total 0

Absent or not voting: Eck, Graham, Hammond.

Total 3

Total 27

Noes: Aklestad, Anderson, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hammond, Hazelbaker, Kolstad, Lee, Manley, Nelson, Ochsner, O'Hara, Olson, Smith, Stephens, Tveit, Mr. President.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senate Bill No. 270 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.

Total 46

Noes: Goodover, Manley, Norman, Tveit.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senate Bill No. 271 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond, Hazelbaker, Healy, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, O'Hara, Olson, Ryan, Story, Thomas, Towe, Mr. President.

Total 33

Noes: Aklestad, Dover, Eck, Elliott, Halligan, Himsl, Jacobson, Mazurek, Norman, Ochsner, Regan, Severson, Smith, Stephens, Stimatz, Tveit, Van Valkenburg.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senate Bill No. 347 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: S. Brown, Mazurek.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

House Bill No. 118 was concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Elliott, Etchart, Galt, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Ochsner, O'Hara, Olson, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.

Total 40

Noes: Aklestad, Dover, Eck, Goodover, Johnson, Norman, Regan, Ryan, Towe, Van Valkenburg.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

House Bill No. 124 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: Elliott, Hafferman, Ryan.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

House Bill No. 139 was concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.

Total 46

Noes: Eck, Hager, Ryan, Van Valkenburg.

Total 4

Excused: None.

Total 0

STATUS SHEET

WATER

COMMITTEE

1981 Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 667	Revising and clarifying the adjudication of water rights re: water master, filing fee, prelim. decree, time limit extension etc.	2-6	Roth	2/19/81	DO PASS	2/20
HB 670	To ensure effective utilization of potential of the agricultural lands in Montana by reserving limited amounts of ground water.	2/6	Curtiss	2/19/81	TABLED	2/19
SB 176	For an exception to permit requirements whenever appropriation of groundwater is by means of a well or dev. spring with a max appro. of less than 100 gal per min. etc.	2/7	Stimatz	3-10-81 2/17/81	AS AMENDED BE CONCURRED IN	3/24
SB 285	To prohibit the board of Nat. Resources and Cons. from granting a min. flow reservation a preference over or priority date earlier than an ag. reserv. cons. concurr.	2/10	Story	3/5/81	BE NOT CONCURRED IN	3/26
SB 347	To create the office of chief water judge; to provide for the appointment, responsibilities, jurisdiction, and admin. requirements.	2/18	Galt	3/10	transferred to Appropriations Committee AS AMENDED BE CONCURRED IN	3/23
SB 297	To define "surface water and to amend the definition of "groundwater" amending Sections 85-2-102 and 85-2-501, MCA.	2/19	Turnage	3/12	BE NOT CONCURRED IN	3/20/

ROLL CALL

WATER

COMMITTEE

47th LEGISLATIVE SESSION, 191981

Date

Name	Jan 12	Jan 15	Jan 22	Jan 27	Feb 3	Feb 5	Feb 10	Feb 12	Feb 17	Feb 19	Mar 5	Mar 10	Mar 12	Mar 19
CHAIRMAN ROTH	X	X	X	X	X	X	X	X	X	X	X	X	X	X
V. CHM. CURTISS	X	ex	O	X	X	X	X	X	X	X	X	X	X	X
BRIGGS	X	X	O	O	O	O	X	X	X	X	X	X	X	X
THOFT	X	X	X	X	X	X	X	X	X	X	ex	O	X	X
MCLANE	X	X	X	X	X	O	X	X	X	X	X	O	X	X
ASAY	X	X	X	X	X	X	X	X	ex	X	X	X	X	X
KEMMIS	X	X	X	X	X	X	X	X	O	X	X	X	X	O
CONROY	X	X	X	X	X	X	O	X	X	X	ex	O	X	X
NEUMAN	X	ex	ex	X	X	X	X	X	X	X	O	X	X	X
HUENNEKENS	X	ex	X	O	X	O	X	X	X	X	ex	X	X	X
BOB PERSON	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Key:

X - present
 O - absent
 ex - excused

ROLL CALL

WATER

COMMITTEE

47th LEGISLATIVE SESSION, 191981

Name	Date																	
	Mar 19	Mar 24	Mar 26	Apr 2	Apr 3	Apr 6												
CHAIRMAN ROTH	X	X	X	X	X	X												
V. CHM. CURTISS	X	X	X	X	X	X												
BRIGGS	O	X	X	O	O	O												
THOFT	X	X	X	X	X	X												
MCLANE	X	X	X	X	X	O												
ASAY	X	X	X	X	X	X												
KEMMIS	O	X	X	X	O	X												
CONROY	X	X	O	X	X	X												
NEUMAN	X	X	O	X	X	O												
HUENNEKENS	X	X	X	X	X	X												
BOB PERSON	X	X	X	X	X	X												

Key:

X - present
 O - absent
 ex - excused

MINUTES OF THE SELECT COMMITTEE ON WATER
March 10, 1981

The Select Committee on Water convened at 1:30 p.m on March 10, 1981 in Room 436 of the Capitol, with CHAIRMAN AUDREY ROTH presiding.

SB. 347

SENATOR GALT opened the hearing on SB347, a bill to create the office of chief water judge, to provide for the appointment, responsibilities, jurisdiction and administrative requirements of the chief water judge. He referred to Section 3's provisions as being the main reasons for the bill.

PROPOSERS:

JUDGE W. W. LESSLEY, representing the water courts, said this bill is a tool needed by the judges. He said that he was elected as acting chief water judge, but that this law is needed to allow the courts to organize the material established by statute. He said that the water judges are on target for having the Powder River decree ready in April.

BILL ASHER, Agricultural Preservation Association, Park County Legislative Association, Sweetgrass County Preservation Association and the Stillwater County Agricultural Preservation Association, went on record as supporting the bill. (EXHIBIT I)

JOHN SCULLY, commented that Montana has been lucky to have an aggressive water judge but he felt this law was definitely needed.

LEO BERRY, representing the Department of Natural Resources, appeared in favor of the bill.

OPPOSERS: There were none.

QUESTIONS FROM THE COMMITTEE:

CHAIRMAN ROTH said that Judge Lessley is acting judge, who has been carrying on the duties and is expected to be appointed by the Supreme Court.

SENATOR GALT said he had been requested to suggest an amendment on page 3, line 5, striking December 31, 1982 and insert January 4, 1983.

REP. NEUMAN asked if this would be an additional judge or one of the basin judges. GALT said in all probability it would be one of the basin judges.

REP. CURTISS asked if the proposed amendment was added in Senate committee. SEN. GALT said it was put on by the Senate Agriculture Committee as a request of the DNRC.

REP. ASAY, referring to the fiscal note, asked if this would be an additional judge. GALT said the additional \$50,000 would only be needed if the Supreme Court decided to appoint an additional judge. LESSLEY said that if a retired judge were used, they couldn't get more than their retirement salary.

REP. HUENNEKENS said that the Fiscal Note seemed to be confusing. CHAIRMAN ROTH said that there may be an error in the Fiscal Note, and suggested that it be researched before the committee takes action on the bill.

SEN. GALT closed the hearing on the bill.

SB 176. "An Act generally revising and clarifying the appropriation and permit provisions of Title 85, ch. 2, parts 1 and 3, MCA."

SENATOR STIMATZ opened the hearing saying the bill is a housekeeping one, introduced at the request of the DNRC. It has nothing to do with the adjudication of water rights. Amendment was made in the Senate, he said, which required the deletion of most of pages 9, 10, 11 and 12. There was also a change from certified to first class. Another change was to make the bill effective upon the governor's signing it.

LEO BERRY, DNRC, said the bill changed a provision dealing with developed springs. He said they are similar to wells and should be treated the same. He also felt there was an unduly amount of time used in correcting improperly filled out forms, so he proposed a department critique form be used, and the time frame be extended. He referred to p. 3, line 14 referring to an attorney general's opinion; to the change from certified to first class mail, to page 9, line 5 requiring those wishing to reserve water to pay part of the EIS; to page 8, line 21, approval of water rights when permits are granted for certain portions of the year adding "and operation". He said the remainder of the bill was to correctly codify it. There may be some question on page 8. How a reservoir is operated may be critical, as rights may be adversely affected, he said.

RAY BECK, representing the Montana Association of Conservation District said the association would like to go on record as being in favor of the bill. However, he questioned the language on page 13, line 6 through line 8. He thought "reasonable" was unclear and suggested adding "providing funds are available" to line 13 to help the conservation districts when they are unable to pay (EXHIBIT II)

WITNESS STATEMENT

NAME BILL ASHER BILL No. SB 347
ADDRESS MANHATTAN, MT. DATE MARCH 10, 1981
WHOM DO YOU REPRESENT SEE BELOW
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

REPRESENTING: AGRICULTURAL PRESERVATION ASSOCIATION
PARK COUNTY LEGISLATIVE ASSOCIATION
SWEETENASS COUNTY PRESERVATION ASSOCIATION
STILLWATER COUNTY AGRICULTURAL PRESERVATION ASSOCIATION

MINUTES OF THE SELECT COMMITTEE ON WATER
MARCH 19, 1981

The Select Committee on Water convened at 1 p.m. in Room 436 of the Capitol on March 19, 1981 with CHAIRMAN AUDREY ROTH presiding. All members were present except REPRESENTATIVES BRIGGS and KEMMIS who were absent.

SB 470.

SENATOR STIMATZ said this is a "dam" bill dealing with inspection of dams. The Statement of Intent clarifies the meaning, he said. If this law isn't passed, the federal government will regulate Montana's high-hazard dams, according to the Senator. He pointed out that the definition of high-hazard dams is on page 5, line 20.

PROPOSERS:

GARY FRITZ, DNRC, presented written testimony in favor of the bill (EXHIBIT I).

JOHN MORRISON, of Morrison-Maierle, representing the Consulting Engineering Council said the bill "ties down" the authority on the dams built in the state. In the last few months, he said, the federal government authorized a review of dams throughout the state. He distributed a letter from Harold Eagle, president of the Consulting Engineers Council, in support of the bill. (EXHIBIT II)

ROGER FOSTER, an engineer with Morrison-Maierle of Helena, said that engineers have a responsibility to the public in avoiding dam failures. He said that out of 3,500 dams in the state about 110 fall under the high-hazard category. MR. FOSTER said that dams that were soundly designed and built have deteriorated to the point of being unsafe. This bill will give the DNRC the authority to see that the dams are safe by periodic inspections. The state is completing its assessment of dams and has sent reports to owners reporting the condition. The DNRC has the responsibility for dam safety, but doesn't have the authority. He presented copies of a magazine article about dam safety. (EXHIBIT I)

MIKE KEENE, associate director of HKM Associates, said that he had sent committee members a copy of a letter earlier in March regarding his views of SB 470 and telling them why it should be passed. He felt that a permit process should be required, and the state doesn't have the mechanism to do that at the present, he stated. Montanans must consider whether they want state or federal control.

REP. CONROY moved that all amendments giving the board the authority be PASSED by the committee. He moved that wherever "department" appears, it be stricken and that "board" be inserted. The motion PASSED UNANIMOUSLY.

REP. ASAY moved amendment #3. REP. CURTISS said she was not happy with the language. REP. CONROY felt that it was redundant. BOB PERSON said that it was a clarification. The motion PASSED UNANIMOUSLY.

REP. THOFT moved that the rest of the Amendments be studied more thoroughly by the committee and acted upon at a later meeting. The MOTION PASSED UNANIMOUSLY.

SB 347.

REP. CURTISS moved that SB 347 BE CONCURRED IN.

BOB PERSON told the committee that they had been asked by the Senator (GALT) to recommend an amendment to the committee as follows: P.3,L.5/ strike: Dec. 31, 1982 Insert: Jan. 4, 1983

REP. MCLANE moved the amendment. It ws seconded and PASSED.

REP. CURTISS moved that AS AMENDED, BE CONCURRED IN. The motion was seconded and PASSED UNANIMOUSLY.

REP. CONROY moved to send the bill to APPROPRIATIONS COMMITTEE for study.

SB 176.

REP. NEUMAN moved that SB 176 BE CONCURRED IN. He suggested that the committee amend the bill on page 13, line 8. Following: applicant, insert: "unless waived by the department upon a showing of good cause by the applicant." REP. CONROY moved the Amendment be accepted by the committee. The motion PASSED UNANIMOUSLY.

BOB PERSON read the amendment proposed by the department on page 8, line 21. Following: "operation", insert: "of the appropriation works". BOB said the new language had been suggested by Mr. CHARLIE CRANE of the MWDA. CHAIRMAN ROTH moved the amendment. IT was PASSED UNANIMOUSLY.

STATE OF MONTANA

REQUEST NO. 288-81

FISCAL NOTE

Form RD-15

In compliance with a written request received March 19, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 347 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

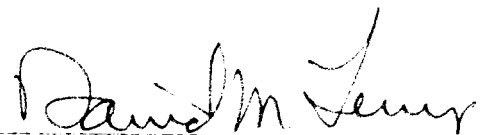
Senate Bill 347 is an act to create the Office of Chief Water Judge and to provide for the appointment, responsibilities, jurisdiction, and administrative requirements associated with the Chief Water Judge.

Assumptions

1. The Chief Water Judge will be a retired district judge.
2. The Chief Water Judge would serve as a water judge for one of the four established water districts.

Fiscal Impact

	<u>FY 1982</u>	<u>FY 1983</u>	<u>Total Biennium</u>
Expenditures Under Proposed Law			
Personal Services	\$177,843	\$280,162	\$483,005
Operating Expenses	74,500	79,560	154,150
Equipment	41,000	17,000	68,000
Total Expenditures Under Proposed Law	\$303,343	\$376,812	\$680,155
Less: Expenditures Under Current Law			
Personal Services	\$156,043	\$258,362	\$414,405
Operating Expenses	70,500	74,400	144,900
Equipment	51,000	17,000	68,000
Total Expenditures Under Current Law	\$277,543	\$349,762	\$627,305
Increased expenditures under proposed law	<u>\$ 25,800</u>	<u>\$ 27,050</u>	<u>\$ 52,850</u>



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-20-81

exceeding ~~15%~~ 18.75% of the assessed valuation of the district, except as provided in subsection (2).

(2) (a) For the purpose of organization; for any of the immediate purposes of this chapter; to make or purchase surveys, plans, and specifications; for stream gauging and gathering data; or to make any repairs occasioned by any calamity or other unforeseen contingency, the board of commissioners may, in any one year, incur the indebtedness of as many dollars as there are acres in the district and may cause warrants of the district to issue therefor.

(b) For the purpose of organization, for any of the immediate purposes of this chapter, or to meet the expenses occasioned by any calamity or other unforeseen contingency, the board of commissioners may, in any one year, incur (in addition to the ~~15%~~ 18.75% limitation of subsection (1)) an additional indebtedness not exceeding ~~10%~~ 12.5% of the assessed valuation of the district and may cause warrants of the district to issue therefor.

(c) The limitation of subsection (1) does not apply to warrants issued for unpaid interest on the valid bonds of any irrigation district.

(d) The limitation of subsection (1) does not apply to any bonds issued under this chapter pursuant to a provision which expressly supersedes the limitation.

(3) Any debt or liability incurred in excess of the limitations provided by the irrigation district laws is void."

Section 41. Validation. Notwithstanding any provisions of this act, any outstanding indebtedness or bond issue on January 1, 1982, of any governmental subdivision is not invalidated because of any changes in the taxable valuation of the subdivision due to removal of automobiles and trucks having a rated capacity of three-quarters of a ton or less from the tax base."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

SELECT COMMITTEE ON WATER (Roth, Chairman): 3/20/81
SB 297, be not concurred in.

Thereupon, the Adverse Committee Report was adopted by the following vote:

Ayes: Abrams, Anderson, Andreason, Asay, Azzara, Bardanouve, Bengtson, Bennett, Bergene, Bertelsen, Brand, Briggs, Burnett, Conn, Conroy, Curtiss, Daily, Devlin, Donaldson, Dozier, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Fagg, Feda, Gould, Hannah, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Huennekens, Iverson, Jacobsen, Kanduch, Keedy, Kemmis, Kennerly, Keyser, Kitselman, Kropp, Lory, Lund, Manning, Manuel, Matsko, McBride, McLane, Metcalf, Meyer, Moore, Mueller, Neuman, Nilson, Nordtvedt, Oberg, O'Connell, O'Hara, Pavlovich, Phillips, Quilici, Robbins, Roth, Roush, Ryan, Sales, Schultz, Seifert, Shelden, Shontz, Sivertsen, Smith, Spilker, Stobie, Switzer, Teague, Thoft, Underdal, Vincent, Vinger, Waldron, Wallin, Williams, Winslow, Yardley, Zabrocki, Mr. Speaker.

Total 92

Noes: Brown, Pistoria.

37

Total 2

Excused: Dussault.

Total 1

Absent or not voting: Cozzens, Hurwitz, Jensen, Kessler, Menahan.

Total 5

SB 347, third reading copy, be amended as follows:

1. Page 3, line 5.
Following: "before"
Strike: "December 31, 1982"
Insert: "January 4, 1983"

And, as amended, be concurred in. Report adopted.

FREE CONFERENCE COMMITTEE
ON HOUSE BILL NO. 350
Report No. 1, March 23, 1981

Mr. President and Speaker of the House:

We, your Free Conference Committee on House Bill No. 350, met March 23, 1981.

We recommend that:

The reference copy of House Bill No. 350 be amended as specified in the clerical instructions.

CLERICAL INSTRUCTIONS:

1. Page 1, line 23.
Following: "include"
Insert: ":(a)"
2. Page 1, line 24.
Following: "appraisal"
Strike: ","
Insert: ":(b)"
3. Page 2, line 2.
Following: "one"
Strike: "such"
4. Page 2, line 3.
Following: "examination"
Insert: "(a) or (b)"
5. Page 2, line 4.
Following: "IF"
Strike: "TAKEN"
Insert: "he passes the remaining portion"

FOR THE HOUSE:

Meyer
Fabrega
Keedy

FOR THE SENATE:

Goodover
McCallum
Hafferman

CONFERENCE COMMITTEE
ON SENATE BILL NO. 15
Report No. 1, March 23, 1981

Mr. President and Speaker of the House:

And, as amended, be concurred in. Report adopted.

MOTIONS

Representative Dussault moved that SB 109 be taken from Second Reading and rereferred to the Committee on State Administration. Motion carried.

Representative Nordtvedt moved that consideration on HB 428 be passed until the 70th legislative day. Motion carried.

Representative Nordtvedt moved that consideration on HJR 52 be passed until the 70th legislative day because Representative Sivertsen is absent. Motion carried.

Representative Donaldson moved that SB 113, which today came out of the Committee on Judiciary with a "be concurred in" recommendation, be rereferred to the Committee on Appropriations. Motion carried.

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following bills were introduced, read first time and referred to committees:

HB 861, introduced by Hurwitz, D. Manning, Severson, Conroy.
Referred to Committee on Natural Resources.

HJR 60, introduced by Azzara, Kessler, Bertelsen, Switzer, Nilson, Dozier, Andreason, Hannah, Waldron, Vinger, Matsko, Keyser, Kitselman, Winslow, D. O'Hara, Cozzens, Fagg, Iverson, Metcalf, Hart, Kennerly, Huennekens, Menahan, Marks, Harper, Zabrocki, Shontz.
Referred to Committee on Local Government.

HJR 61, introduced by Waldron, Holliday, Hurwitz, Fabrega, Roush, Bertelsen, Devlin, Switzer, Iverson, Bardanouve, Kitselman, Roth, Dozier, Asay, Kemmis, Dussault, Shontz, Kessler, McBride. Referred to Committee on Local Government.

HR 4, introduced by Brand, Manley, Menahan. Referred to Committee on Human Services.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Fagg moved that the House resolve itself into a Committee of the Whole, for the consideration of business on Second Reading. Motion carried.

Representative Seifert in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

Representative McLane present at this time.

Representative Meyer moved that the Free Conference Committee Report on HB 350 be adopted. Motion carried by the following vote:

Ayes: Asay, Azzara, Bengtson, Bergene, Bertelsen, Brand, Briggs, Cozzens, Devlin, Dozier, Dussault, Ellerd, Ellison, Ernst, Fabrega, Fagg, Feda, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Hurwitz, Jacobsen, Kemmis, Kennerly, Kessler, Kitselman, Kropp, Lory, Manning, Marks, McBride, McLane, Menahan, Metcalf, Meyer, Moore, Mueller, Neuman, Nilson, Nordtvedt, Oberg, O'Connell, Parlovich, Phillips,

Total 12

Absent or not voting: Briggs, Iverson, Kropp, Lory, Lund, Roth.

Total 6

Representative Menahan moved that consideration on SB 298 be passed for the day. Motion carried.

Representative Roth moved that SB 347, as amended, be concurred in. Motion carried by the following vote:

Ayes: Abrams, Anderson, Andreason, Asay, Azzara, Bardanouve, Bengtson, Bennett, Bergene, Bertelsen, Brand, Briggs, Brown, Conn, Cozzens, Curtiss, Daily, Devlin, Dussault, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Fagg, Feda, Gould, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Huennekens, Iverson, Jacobsen, Jensen, Keedy, Kemmis, Kennerly, Kessler, Keyser, Kitselman, Kropp, Lory, Manning, Marks, McBride, McLane, Menahan, Metcalf, Meyer, Moore, Mueller, Nilson, Nordtvedt, Oberg, O'Connell, Pavlovich, Phillips, Pistoria, Quilici, Robbins, Roth, Ryan, Sales, Schultz, Seifert, Shelden, Shontz, Smith, Spilker, Switzer, Teague, Thoft, Underdal, Vincent, Vinger, Waldron, Wallin, Williams, Winslow, Yardley, Zabrocki.

Total 85

Noes: None.

Total 0

Excused: Burnett, Conroy, Donaldson, Hurwitz, Kanduch, Manuel, Matsko, Neuman, O'Hara, Roush, Sivertsen, Stobie.

Total 12

Absent or not voting: Dozier, Hannah, Lund.

Total 3

Representative Sales moved that SB 382 be concurred in. Motion carried by the following vote:

Ayes: Abrams, Anderson, Andreason, Asay, Azzara, Bardanouve, Bengtson, Bennett, Bergene, Bertelsen, Brand, Briggs, Brown, Conn, Cozzens, Curtiss, Daily, Devlin, Dussault, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Fagg, Feda, Gould, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Huennekens, Iverson, Jacobsen, Jensen, Keedy, Kemmis, Kennerly, Kessler, Keyser, Kitselman, Kropp, Lory, Manning, Marks, McBride, McLane, Menahan, Metcalf, Meyer, Mueller, Nilson, Nordtvedt, Oberg, O'Connell, Pavlovich, Phillips, Quilici, Robbins, Roth, Ryan, Sales, Schultz, Seifert, Shontz, Smith, Spilker, Switzer, Teague, Thoft, Underdal, Vincent, Vinger, Waldron, Wallin, Williams, Winslow, Yardley, Zabrocki.

Total 82

Noes: None.

Total 0

Excused: Burnett, Conroy, Donaldson, Hurwitz, Kanduch, Manuel, Matsko, Neuman, O'Hara, Roush, Sivertsen, Stobie.

Total 12

Absent or not voting: Dozier, Hannah, Lund, Moore, Pistoria, Shelden.

Total 6

Representative Waldron excused at this time.

Representative McBride moved that SB 442, as amended, be concurred in. Motion carried by the following vote:

The Senate Amendments to the following House Bills were on 4/10/81, concurred in:

Senate Amendments to House Bill No. 415, introduced by Sivertsen (94-0)

Senate Amendments to House Bill No. 654, introduced by Menahan (91-0)

The following House Joint Resolution was on 4/10/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 61, introduced by Waldron (86-8)

MOTIONS

Senator Lee moved that the Senate reconsider its action taken on rejecting the House Amendments to Senate Bill No. 392. Motion carried by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Eck, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Himsl, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Ochsner, O'Hara, Ryan, Severson, Smith, Story.

Total 27

Noes: Aklestad, Anderson, Conover, Elliott, Etchart, Haffey, Hammond, Hazelbaker, Healy, Jacobson, Keating, McCallum, Norman, Olson, Regan, Stephens, Stimatz, Tveit, Van Valkenburg, Mr. President.

Total 20

Excused: Thomas, Towe.

Total 2

Absent or not voting: Dover.

Total 1

Senator Stephens moved, duly carried, that the House Amendments to Senate Bill Nos. 139, 270, 272, 287, 288, 305, 335, 347, 362, 381, 442, 449, 458, 463, 475, 479, and 480 be placed on Third Reading this day.

FIRST READING OF BILLS

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 61, introduced by Waldron, Holliday, Hurwitz, Fabrega, Roush, Bertelsen, Devlin, Switzer, Iverson, Bardanouve, Roth, Kitselman, Dozier, Asay, Kemmis, Dussault, Shontz, Kessler, McBride. Referred to Committee on Local Government.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Joint Resolution No. 34 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.

Total 45

Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: None.

Total 0

Excused: Thomas, Towe.

Total 2

Absent or not voting: Elliott.

Total 1

House Amendments to Senate Bill No. 305 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: None.

Total 0

Excused: Thomas, Towe.

Total 2

Absent or not voting: None.

Total 0

House Amendments to Senate Bill No. 335 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg.

Total 47

Noes: None.

Total 0

Excused: Thomas, Towe.

Total 2

Absent or not voting: Mr. President.

Total 1

House Amendments to Senate Bill No. 347 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum,

Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: S. Brown, Ryan.

Total 2

Excused: Thomas, Towe.

Total 2

Absent or not voting: None.

Total 0

House Amendments to Senate Bill No. 362 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: None.

Total 0

Excused: Thomas, Towe.

Total 2

Absent or not voting: Blaylock.

Total 1

House Amendments to Senate Bill No. 381 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Blaylock, B. Brown, S. Brown, Conover, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Hager, Hammond, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, Manning, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit.

Total 39

Noes: Berg, Crippen, Haffey, Halligan, Jacobson, Mazurek, Van Valkenburg.

Total 7

Excused: Thomas, Towe.

Total 2

Absent or not voting: Boylan, Mr. President.

Total 2

House Amendments to Senate Bill No. 442 were concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.

Total 47

House Bill No. 566, introduced by Hemstad, Hager

House Bill No. 735, introduced by Winslow, D. O'Hara, Hannah

House Bill No. 766, introduced by Ellison

House Joint Resolution No. 48, introduced by D. O'Hara, Spilker, Fagg, et al.

House Bills and House Joint Resolutions concurred in and returned to the House: 3/30/81

House Bill No. 333, introduced by Marks, Donaldson, Eudaily

House Bill No. 555, introduced by R. Manning, Brand, Bertelsen, Donaldson, et al.

House Bill No. 738, introduced by Ryan, Ellison, Underdal, et al.

House Bill No. 788, introduced by Menahan, Daily

House Joint Resolution No. 18, introduced by Seifert, Conroy, Anderson, et al.

House Joint Resolution No. 36, introduced by Ellerd, Sales, Thoft, et al.

House Bills not concurred in and returned to the House: 3/30/81

House Bill No. 56, introduced by Kessler

House Bill No. 57, introduced by Azzara

House Bill No. 59, introduced by Fabrega

House Bill No. 295, introduced by Pistoria, Hemstad, Meyer, O'Connell

House Bill No. 375, introduced by Anderson, Gould, Harp, et al.

House Bill No. 575, introduced by Kitselman

House Bill No. 715, introduced by Lory, Dover, Azzara, et al.

House Bill No. 727, introduced by Dussault, E. Smith

MOTIONS

Representative Gould moved that the rules be temporarily suspended for the drafting and introduction of a House joint resolution on gun control. Motion failed. (35-60)

Representatives Brand and Bertelsen excused at this time.

Representative Lory moved that SB 98 be taken from Third Reading and placed on Second Reading for discussion. Motion failed. (43-52)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Free Conference Committee Report on House Bill No. 350 was adopted by the following vote:

Ayes: Abrams, Anderson, Asay, Azzara, Bardanouve, Bengtson, Bennett, Bergene, Briggs, Brown, Burnett, Conn, Conroy, Cozzens, Curtiss, Daily, Devlin, Donaldson, Dozier, Dussault, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Fagg, Feda, Gould, Hannah, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Huennekens, Hurwitz, Iverson, Jacobsen, Jensen,

Noes: Burnett, Waldron.

Total 2

Excused: Vinger.

Total 1

Absent or not voting: None.

Total 0

Senate Bill No. 347, as amended, was concurred in by the following vote:

Ayes: Abrams, Anderson, Andreason, Asay, Azzara, Bardanouve, Bengtson, Bennett, Bergene, Bertelsen, Brand, Briggs, Brown, Burnett, Conn, Conroy, Cozzens, Curtiss, Daily, Devlin, Donaldson, Dozier, Dussault, Ellerdt, Ellison, Ernst, Eudaily, Fabrega, Fagg, Feda, Gould, Hannah, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Huennekens, Hurwitz, Iverson, Jacobsen, Jensen, Kanduch, Keedy, Kemmis, Kennerly, Kessler, Keyser, Kitselman, Kropp, Lory, Lund, Manning, Manuel, Matsko, McBride, McLane, Menahan, Metcalf, Meyer, Moore, Mueller, Neuman, Nilson, Nordtvedt, Oberg, O'Connell, O'Hara, Pavlovich, Phillips, Pistoria, Quilici, Robbins, Roth, Roush, Ryan, Sales, Schultz, Seifert, Sheldon, Shontz, Sivertsen, Smith, Spilker, Stobie, Switzer, Teague, Thoft, Underdal, Vincent, Waldron, Wallin, Williams, Winslow, Yardley, Zabrocki, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Vinger.

Total 1

Absent or not voting: None.

Total 0

Senate Bill No. 382 was concurred in by the following vote:

Ayes: Abrams, Anderson, Andreason, Asay, Azzara, Bardanouve, Bengtson, Bennett, Bergene, Bertelsen, Brand, Briggs, Brown, Burnett, Conn, Conroy, Cozzens, Curtiss, Daily, Devlin, Donaldson, Dozier, Dussault, Ellerdt, Ellison, Ernst, Eudaily, Fabrega, Fagg, Feda, Gould, Hannah, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Huennekens, Hurwitz, Iverson, Jacobsen, Jensen, Kanduch, Keedy, Kemmis, Kennerly, Kessler, Keyser, Kitselman, Kropp, Lory, Lund, Manning, Manuel, Matsko, McBride, McLane, Menahan, Metcalf, Meyer, Moore, Mueller, Neuman, Nilson, Nordtvedt, Oberg, O'Connell, O'Hara, Pavlovich, Phillips, Pistoria, Quilici, Robbins, Roth, Roush, Ryan, Sales, Schultz, Seifert, Sheldon, Shontz, Sivertsen, Smith, Spilker, Stobie, Switzer, Teague, Thoft, Underdal, Vincent, Waldron, Wallin, Williams, Winslow, Yardley, Zabrocki, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Vinger.

Total 1

Absent or not voting: None.

Total 0

Senate Bill No. 442, as amended, was concurred in by the following vote:

STATE OF MONTANA

REQUEST NO. 288-81

FISCAL NOTE

Form BD 15

In compliance with a written request received March 19 19 81, there is hereby submitted a Fiscal Note for Senate Bill 347 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

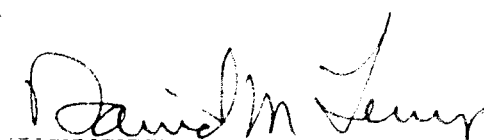
Senate Bill 347 is an act to create the Office of Chief Water Judge and to provide for the appointment, responsibilities, jurisdiction, and administrative requirements associated with the Chief Water Judge.

Assumptions

1. The Chief Water Judge will be a retired district judge.
2. The Chief Water Judge would serve as a water judge for one of the four established water districts.

Fiscal Impact

Expenditures Under Proposed Law	FY 1982	FY 1983	Total Biennium
Personal Services	\$177,843	\$280,162	\$483,005
Operating Expenses	74,500	79,560	154,150
Equipment	41,000	17,000	68,000
Total Expenditures Under Proposed Law	\$303,343	\$376,812	\$680,155
Less: Expenditures Under Current Law			
Personal Services	\$156,043	\$258,362	\$414,405
Operating Expenses	70,500	74,400	144,900
Equipment	51,000	17,000	68,000
Total Expenditures Under Current Law	\$277,543	\$349,762	\$627,305
Increased expenditures under proposed law	<u>\$ 25,800</u>	<u>\$ 27,050</u>	<u>\$ 52,850</u>



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-20-81

Excused: Himsl.

Total 1

Absent or not voting: Conover, Healy, Smith.

Total 3

That House Bill No. 865 be concurred in by the following vote:

Ayes: Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Etchart, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Jacobson, Kolstad, Manning, Mazurek, McCallum, Norman, Ochsner, Regan, Stephens, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.

Total 33

Noes: Aklestad, Elliott, Galt, Hammond, Johnson, Manley, Nelson, O'Hara, Olson, Ryan, Severson, Smith, Tveit.

Total 13

Excused: Himsl.

Total 1

Absent or not voting: Boylan, Keating, Lee.

Total 3

That House Bill No. 870 be concurred in by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.

Total 0

Excused: Himsl.

Total 1

Absent or not voting: None.

Total 0

That the Committee rise and report. (Thomas, Chairman)

Upon motion of Senator Thomas, duly carried, the foregoing Report of the Committee of the Whole was adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (O'Hara, Chairman):

Signed by the Speaker of the House and President of the Senate, 4/14/81, at the hour of 3:15 p.m., delivered to the Governor for his approval - SB 150. Report adopted.

Signed by the Speaker of the House and President of the Senate, 4/14/81, at the hour of 3:45 p.m., delivered to the Governor for his approval - SB 30. Report adopted.

4x

Correctly enrolled - SB 30, SB 41, SB 96, SB 139, SB 150, SB 244, SB 270, SB 272, SB 287, SB 288, SB 347, SB 460, SB 466, SB 480, SB 484, SJR 13, SJR 24, SJR 33. Report adopted.

I have examined Senate Bill No. 30 introduced by me and find the same to be correct. (Goodover)

I have examined Senate Bill No. 41 introduced by me and find the same to be correct. (Hafferman)

I have examined Senate Bill No. 96 introduced by me and find the same to be correct. (Van Valkenburg)

I have examined Senate Bill No. 139 introduced by me and find the same to be correct. (Dover)

I have examined Senate Bill No. 150 introduced by me and find the same to be correct. (Kolstad)

I have examined Senate Bill No. 244 introduced by me and find the same to be correct. (Graham)

I have examined Senate Bill No. 270 introduced by me and find the same to be correct. (Ryan)

I have examined Senate Bill No. 272 introduced by me and find the same to be correct. (Mazurek)

I have examined Senate Bill No. 287 introduced by me and find the same to be correct. (Manley)

I have examined Senate Bill No. 288 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Bill No. 347 introduced by me and find the same to be correct. (Galt)

I have examined Senate Bill No. 460 introduced by me and find the same to be correct. (Graham)

I have examined Senate Bill No. 466 introduced by me and find the same to be correct. (Graham)

I have examined Senate Bill No. 480 introduced by me and find the same to be correct. (Healy)

I have examined Senate Bill No. 484 introduced by me and find the same to be correct. (Severson)

I have examined Senate Joint Resolution No. 13 introduced by me and find the same to be correct. (S. Brown)

I have examined Senate Joint Resolution No. 24 introduced by me and find the same to be correct. (Jacobson)

I have examined Senate Joint Resolution No. 33 introduced by me and find the same to be correct. (Regan)

The Senate will please take note that the President did, at the hour of 3:00 p.m., 4/14/81, sign the following bills:

SB 30, SB 41, SB 96, SB 139, SB 150, SB 244, SB 270, SB 272, SB 287, SB 288, SB 347, SB 460, SB 466, SB 480, SB 484, HB 48, HB 58, HB 97, HB 152, HB 309, HB 329, HB 330, HB 364, HB 385, HB 507, HB 575, HB 578, HB 655, HB 662, HB 701, HB 702, HB 712, HB 724, HB 765, HB 773, HB 794, HB 806, HB 819, SJR 13, SJR 24, SJR 33, HJR 23, HJR 25, HJR 42.

SENATE BILL NO. 347

INTRODUCED BY GALT, TURNAGE, BOYLAN, ROTH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE OFFICE OF CHIEF WATER JUDGE; TO PROVIDE FOR THE APPOINTMENT, RESPONSIBILITIES, JURISDICTION, AND ADMINISTRATIVE REQUIREMENTS OF THE CHIEF WATER JUDGE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Appointment of chief water judge -- term of office. (1) The chief justice of the Montana supreme court shall appoint a chief water judge from among the district judges serving or retired as of the time of appointment.

(2) The term of office of the chief water judge is from the date of initial appointment until June 30, 1985. After June 30, 1985, the term of office is 4 years, subject to continuation of the water divisions by the legislature.

Section 2. Salary -- office space. (1) The chief water judge is entitled to receive the same salary and expense allowance as provided for district judges in 3-5-211.

(2) The office of the chief water judge shall be at the location that the chief justice of the Montana supreme court shall designate. The Montana supreme court shall provide in its budget for the salary, expenses, and office and staff requirements of the chief water judge, which money

may be appropriated by the legislature from the water rights adjudication account.

Section 3. Duties of the chief water judge. The chief water judge shall:

(1) ~~supervise the activities of~~ COORDINATE WITH the department of natural resources and conservation in compiling information submitted on water claim forms under Title 85, chapter 2, part 2, to assure that the information is expeditiously and properly compiled and transferred to the water judge in each water division.

(2) assure that the water judge in each water division moves without unreasonable delay to enter the required preliminary decree; and

(3) assure that any contested or conflicting claims are tried and adjudicated as expeditiously as possible.

Section 4. Jurisdiction of chief water judge. (1) The chief water judge may, at the discretion of the chief justice of the Montana supreme court, also serve as water judge for one of the water divisions.

(2) The chief water judge has jurisdiction over all matters relating to the determination of existing water rights within the boundaries of the state of Montana.

(3) With regard to the determination of existing water rights, the chief water judge has the same powers as a district judge. He may issue such orders, on the motion of

1 an interested party or on his own motion, as may reasonably
2 be required to allow him to fulfill his responsibilities.

3 Section 5. Initial appointment. The chief justice of
4 the Montana supreme court shall make the initial appointment
5 of a chief water judge on or before December--31--1982
6 JANUARY 4, 1983.

-End-